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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,252	10/20/2003	Jeffrey S. Malkin	23426-07345	3426

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EXAMINER

MANOHARAN, MUTHUSWAMY GANAPATHY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,252

Applicant(s)

MALKIN ET AL.

Examiner

Muthuswamy G. Manoharan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom in view of Hoisko et al. (hereinafter Hoisko) (U.S. 2002/0082007) and further in view of Kovales et al. (US 7003083).

Regarding claim 1, Hollstrom discloses a device for inserting sound segments into a voice channel carrying a voice stream of a voice transmission communication device (item 27 in Figure 3; Paragraph [0046], line 5), comprising:

a communications interface configured to establish a voice channel ("mobile telephone", Abstract);

a controller configured to associate each of the two or more different sound segments with a corresponding trigger; and a mixer (item 30, Figure 3; Paragraph [0046], line 3) configured to couple with the audio channel (item 29 in Figure 3, Paragraph [0046], line 6), to receive a selected sound segment in response to a trigger

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activation and to inject the selected sound segment into the voice channel, the voice channel contemporaneously carrying the selected sound segment and voice stream as a single output stream (Paragraph [0013], lines 1-10).

Hollstrom did not teach expressly a display configured to present a menu of two or more different sound segments available for selection; a controller configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger; two or more triggers adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to select a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel.

However, Hoisko teaches in an analogous art, a display configured to present a menu of two or more different sound segments available for selection; a controller configured to associate each of the two or more different sound segments ("musical compositions 10a, 10b... 10n are stored in electric form") presented within the menu with a corresponding trigger; two or more triggers (Paragraph [0017], lines 3-5, lines 10-23) adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to select a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel (Paragraph [0017], Paragraph [18], Paragraph [0019]). Therefore, it would have been obvious to one of ordinary skill in the art to at the time of the invention to have a display configured to present a menu of two

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or more different sound segments available for selection; a controller configured to associate each of the two or more different sound segments presented within the menu with a corresponding trigger; two or more triggers adapted to be activated in response to a user input after the voice channel is established, each trigger being configured to select a corresponding one of the sound segments for insertion into the voice channel responsive to trigger activation during an ongoing communication over the voice channel. This modification improves the content and intelligibility of communication.

Neither Hollstrom nor Hoisko teaches trigger activation during an ongoing communication over the voice channel. However, Kovaless teaches in an analogous art, trigger activation during an ongoing communication over the voice channel ("the mixing may occur within a telephone conversation", Abstract, lines 5-6). Therefore, it would be obvious to one of ordinary skill in the art, to have the trigger activation during an ongoing communication over the voice channel. This modification provides additional flexibility to the user as to when to activate the trigger.

Regarding claim 2, Hollstrom discloses the device of claim 1, further comprising a sound encoder (Paragraph [0046], lines 13) configured to receive the sound segment from a source external (Paragraph [0036], lines 4-5) to the device.

Regarding claim 3, Hollstrom discloses the device of claim 2, wherein the sound segment comprises a file format comprising one from a group consisting of an MP3 file format, a WAVE file format, and an audio video interleave file format (Paragraph [0035], lines 1-3).

Regarding claim 4, Hollstrom discloses the device of claim 1, further comprising a communications device interface (Figure 1, item 8; paragraph [0031], lines 1-3) for coupling with a communication device (Figure 3, item 27, items 30, 31, 29).

Regarding claim 5, Hollstrom discloses a method for inserting audio data within a voice channel of a voice transmission communication device, the method comprising: injecting the sound segment into the established voice channel through mixing of the sound segment with the voice data to generate a mixed sound segment and voice data stream, and outputting the mixed sound segment and voice data stream as a single output stream into the established voice channel (Paragraph [0013], lines 1-10).

Hollstrom did not teach expressly the method comprising: displaying a menu with two or more different sound segments available for selection; associating each of the two or more different sound segments presented within the menu with respectively corresponding trigger; selecting, in response to the user input reflecting activation of the trigger during the ongoing communication over the established voice channel, the sound segment corresponding to the selected trigger from among the two or more different sound segments the sound segment to be played within the selecting the sound segment to be played within the voice channel, the voice channel carrying voice data.

However, Hoisko teaches in an analogous art, the method comprising: displaying a menu with two or more different sound segments available for selection ("musical compositions 10a, 10b... 10n are stored in electric form"); associating each of the two or more different sound segments presented within the menu with a corresponding trigger (Paragraph [0017], lines 3-5, lines 10-23); selecting, in response

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to the user input reflecting₁ the sound segment corresponding to the selected trigger from among the two or more different sound segments the sound segment to be played within the selecting the sound segment to be played within the voice channel, the voice channel carrying voice data (Paragraph [0017], Paragraph [18], Paragraph [0019]).

Therefore it would be obvious to one of ordinary skill in the art at the time of invention to use the method comprising: the method comprising: displaying a menu with two or more different sound segments available for selection; associating each of the two or more different sound segments presented within the menu with a corresponding trigger; selecting, in response to the user input reflecting₁ the sound segment corresponding to the selected trigger from among the two or more different sound segments the sound segment to be played within the selecting the sound segment to be played within the voice channel, the voice channel carrying voice data. This modification improves the content and intelligibility of communication.

Neither Hollstrom nor Hoisko teaches trigger activation during an ongoing communication over the voice channel. However, Kovales teaches in an analogous art, trigger activation during an ongoing communication over the voice channel ("the mixing may occur within a telephone conversation", Abstract, lines 5-6). Therefore, it would be obvious to one of ordinary skill in the art, to have the trigger activation during an ongoing communication over the voice channel. This modification provides additional flexibility to the user as to when to activate the trigger.

Regarding claim 6, Hollstrom discloses the method of claim 5, further comprising receiving the sound segment from an external audio source (Paragraph [0036], lines 4-5).

Regarding claim 7, Hollstrom discloses the method of claim 5, further comprising saving the sound segment in an audio file format (Paragraph [0035], lines 1-3).

Regarding claim 8, Hollstrom discloses the method of claim 7, wherein the audio file format comprises one from a group consisting of an MP3 file format, a WAVE file format, and an audio video interleave file format (Paragraph [0035], lines 1-3).

Regarding claim 9, Hollstrom discloses a system for inserting audio data within a voice channel, comprising:

means for displaying a menu with two or more different sound segments available for selection; means for associating each of the two or more different sound segments presented within the menu with a corresponding trigger; a means for selecting in response to using the corresponding trigger for the sound segment from among the two or more different sound segments, the sound segment to be played within the voice channel, the voice channel carrying voice data ("display and keyboard", "dynamic menus", Paragraph [0034], lines 3-5); a means for injecting the audio data into the voice channel through mixing of the audio data with the voice data to generate a mixed audio data and voice data stream; and a means for outputting the mixed audio data and voice data stream into the voice channel (Paragraph [0013], lines 1-10).

Hollstrom did not disclose expressly means for displaying a menu with two or more different sound segments available for selection; means for associating two or

more different sound segments presented within the menu with respectively corresponding triggers;

a means for receiving user input reflecting activation of one of the triggers during ongoing communication over the established voice channel;

a means for selecting in response to the user input reflecting activation of the trigger during the ongoing communication over the established voice channel, the sound segment corresponding to the selected trigger from among the two or more different sound segments.

However, Hoisko teaches in an analogous art, means for displaying a menu with two or more different sound segments available for selection ("musical compositions 10a, 10b... 10n are stored in electric form"); means for associating two or more different sound segments presented within the menu with respectively corresponding triggers (Paragraph [0017], lines 3-5; lines 10-23);

a means for receiving user input reflecting activation of one of the triggers during ongoing communication over the established voice channel;

a means for selecting in response to the user input reflecting, the sound segment corresponding to the selected trigger from among the two or more different sound segments (Paragraph [0017], Paragraph [18], Paragraph [0019]).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have a system having means for displaying a menu with two or more different sound segments available for selection; means for associating two or more

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different sound segments presented within the menu with respectively corresponding triggers;

a means for receiving user input reflecting activation of one of the triggers during ongoing communication over the established voice channel;

a means for selecting in response to the user input reflecting, the sound segment corresponding to the selected trigger from among the two or more different sound segments.

This modification improves the content and intelligibility of communication.

Neither Hollstrom nor Hoisko teaches trigger activation during an ongoing communication over the voice channel. However, Kovaless teaches in an analogous art, activation of the trigger during an ongoing communication over the voice channel ("the mixing may occur within a telephone conversation", Abstract, lines 5-6). Therefore, it would be obvious to one of ordinary skill in the art, to have the activation of the trigger during an ongoing communication over the voice channel. This modification provides additional flexibility to the user as to when to activate the trigger.

Regarding claim 10, Hollstrom discloses the system of claim 9, further comprising a means for receiving the audio data from an external audio source (Paragraph [0036], lines 4-5).

Regarding claim 11, Hollstrom discloses the system of claim 9, further comprising a means for saving the audio data in an audio file format (Paragraph [0035], lines 1-3).

Regarding claim 12, Hollstrom discloses the system of claim 11, wherein the audio file format comprises one from a group consisting of an MP3 file format, a WAVE file format, and an audio video interleave file format (Paragraph [0035], lines 1-3).

Regarding claim 17, Hollstrom in view of Hoisko teaches all the particulars of the claim 1. Hollstrom did not teach expressly wherein the two or more triggers adapted to be activated in response to a user input. However, Hoisko teaches in an analogous art, wherein the two or more triggers adapted to be activated in response to a user input (Paragraph [0017]). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to have the two or more triggers adapted to be activated in response to a user input.

Neither Hollstrom nor Hoisko teaches two or more triggers adapted to be activated in response to a user input during a time period after a call initiating party and a call receiving party have begun conversation. However, Kovals teaches in an analogous art, two or more triggers adapted to be activated in response to a user input during a time period after a call initiating party and a call receiving party have begun conversation ("the mixing may occur within a telephone conversation", Abstract, lines 5-6). Therefore, it would be obvious to one of ordinary skill in the art, to have the two or more triggers adapted to be activated in response to a user input during a time period after a call initiating party and a call receiving party has begun conversation. This modification provides additional flexibility to the user as to when to activate the trigger.

Claims 18 and 19 are rejected for the same reasons as set forth in claim 17.

Regarding claim 20, Hollstorm in view of Hoisko teaches all the particulars of the claim 5. Neither Hollstorm nor Hoisko teaches the method wherein selecting, in response to the user input reflecting activation of the trigger during the ongoing communication over the established voice channel includes selecting, in response to the user input reflecting activation of the trigger during the ongoing communication after the voice channel is established. However, Kovaless teaches in an analogous art, wherein selecting, in response to the user input reflecting activation of the trigger during the ongoing communication over the established voice channel includes selecting, in response to the user input reflecting activation of the trigger during the ongoing communication after the voice channel is established ("the mixing may occur within a telephone conversation", Abstract, lines 5-6). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the method wherein selecting, in response to the user input reflecting activation of the trigger during the ongoing communication over the established voice channel includes selecting, in response to the user input reflecting activation of the trigger during the ongoing communication after the voice channel is established. This modification provides additional flexibility to the user as to when to activate the trigger.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukaya (US 2003/0013432)

Partovi et al. (US 6807574)

Yoon et al. (US 6407325)

Goldberg et al (US 6125175)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVE M. D'AGOSTA
PRIMARY EXAMINER
[Signature]
6-7-2006